

DOCKET NUMBER 96

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8 **UNITED STATES BANKRUPTCY COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 In Re:) **Bankruptcy Case No. 05-05926-PB7**
11)
12 FRANCIS J. LOPEZ,) **DECLARATION IN SUPPORT OF**
13) **ENTRY OF ORDER AND**
14 Debtor.) **CONTINUED HEARING DATE**
15)
16) Date: March 12, 2007
17) Time: 10:30 a.m.
18) Dept: 4
19) Judge: Hon. Peter W. Bowie

20 I, L. SCOTT KEEHN, declare as follows:

21 1. I am an attorney duly admitted to practice before the Courts of this State, and before
22 the United States District Court for the Southern District of California. I am a shareholder of the
23 firm Keehn & Associates, APC, counsel of record for the Petitioning Creditors in the above
24 entitled case. I am the shareholder in charge of the engagement of the firm on behalf of the
25 Petitioning Creditors, and the attorney within the firm who is most knowledgeable with respect to
26 all aspects of this matter.

27 2. On March 19, 2007, a Notice of Lodgment of Order (1) Granting Petitioning
28 Creditors' Motion to Compel Supplemental Responses to Written Discovery; (2) Deferring Ruling
on Sanctions Against Alleged Debtor Francis J. Lopez; And, (3) Continuing Hearing Date,
identified as Docket Item 95, was filed with the Court. The Order itself was separately uploaded
that same date (See the Declaration of Mark Laemmle filed concurrently therewith at ¶ 2). No

1 objection to the Proposed Order was made (see Case Docket).

2 3. Today our office learned that, due to a ".pdf error" with the Proposed Lodged
3 Order, the Court was not able to process it in the ordinary course (see Laemmle Decl. at ¶ 3).

4 4. Our office has created a new .pdf of the Proposed Order and it will be uploaded
5 concurrently herewith (see Laemmle Decl. at ¶ 4). Attached as Exhibit 1 is the Proposed Order.

6 5. The Proposed Order, being eligible for entry by reason of Petitioning Creditor's
7 prior compliance with LBR 7054-3(b) [Lodgment], is now in a posture to be entered.

8 6. The purpose of this declaration is to request the immediate entry of the Order.

9 7. I have first-hand knowledge of all of the foregoing, and if called as a witness would
10 testify in the manner hereabove set forth.

11 I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration
12 was executed on April 13, 2007, at San Diego, California.

13
14 Dated: April 13, 2007

KEEHN & ASSOCIATES,
A Professional Corporation



17 By: //s// L. Scott Keehn
18 L. Scott Keehn

EXHIBIT 1

L. Scott Keehn, SBN 61691
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Attorneys for Petitioning Creditors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re

FRANCIS J. LOPEZ,

Debtor.

LODGED

BANKRUPTCY NO. 05-05926-PBINV

Date of Hearing: March 12, 2007

Time of Hearing: 10:30 a.m.

Name of Judge: Hon. Peter W. Bowie

ORDER ON

**(1) GRANTING PETITIONING CREDITORS' MOTION TO COMPEL SUPPLEMENTAL
RESPONSES TO WRITTEN DISCOVERY; (2) DEFERRING RULING ON SANCTIONS AGAINST
ALLEGED DEBTOR FRANCIS J. LOPEZ; AND (3) CONTINUING HEARING DATE**

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2)
through 2 with exhibits, if any, for a total of 2 pages, is granted. Notice of Lodgment Docket Entry No. _____

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DATED:

Judge, United States Bankruptcy Court

Signature by the attorney constitutes a certification under
Fed. R. of Bankr. P. 9011 that the relief in the order is the
relief granted by the court.

Submitted by:

KEEHN & ASSOCIATES, APC

(Firm name)



By: L. Scott Keehn

Attorney for ☒ Movant ☐ Respondent

Petitioning Creditors' Motion to Compel Supplemental Responses to Written Discovery in Phase II of this bifurcated proceeding (the "Motion") came on regularly for hearing on March 12, 2007, at 10:30 a.m. in department 4 of the above-entitled Court located at 325 West "F" Street, San Diego, California, the Honorable Peter W. Bowie presiding. Appearances were made by the firm of Keehn & Associates, APC, by L. Scott Keehn, on behalf of Petitioning Creditors; and the Law Office of M. Jonathan Hayes, by M. Jonathan Hayes on behalf of Alleged Debtor, Francis J. Lopez ("Lopez"), in opposition to the Motion.

The Court, having previously considered all of the pleadings, papers, requests and declarations submitted by the Petitioning Creditors in support of their positions, and, there being no opposition papers filed, further heard and considered the oral arguments, contentions, and request of the parties in open sessions.

The Court's findings of fact and conclusions of law were stated orally by the Court, and recorded in open session, following the close of argument, and are incorporated herein by this reference pursuant to Rules 7052 and 9014 of the Federal Rules of Bankruptcy Procedure, and Rule 52(a) of the Federal Rules of Civil Procedure. Based upon the foregoing, and good cause therefore appearing,

IT IS HEREBY ORDERED that:

- (1) The Motion to compel further response to Petitioning Creditor's written discovery requests is granted in its entirety;
- (2) Without limiting the generality of the foregoing, it is further and specifically ordered that Lopez must provide Petitioning Creditors with all requested supplemental responses to written discovery on or before April 11, 2007;
- (3) The Court reserves jurisdiction for and defers its ruling on the imposition of sanctions against Alleged Debtor; and,
- (4) A further hearing on this matter will be held on May 11, 2007 at 9:30 a.m. in Department 4 of the above entitled court. The Court will renew its consideration of the Petitioning Creditor's request for the imposition of sanctions in the cost of \$4,242,00 at that time.